

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

**CIVIL ACTION NO: 1:19-cv-  
00155-JDL**

US BANK NATIONAL ASSOCIATION AS  
LEGAL TITLE TRUSTEE FOR TRUMAN 2016  
SC6 TITLE TRUST

PLAINTIFF

v.

KATHLEEN M. KEEFER, EDWARD KEEFER  
AND STEPHEN R. CHAPMAN

DEFENDANTS

**MOTION FOR DEFAULT JUDGMENT**

Plaintiff, by and through its attorneys, U.S. Bank National Association as Legal Title Trustee for Truman 2016 SC6 Title Trust, hereby moves for Default Judgment against Defendants, Kathleen M. Keefer, Edward Keefer and Stephen R. Chapman since neither defendant has pleaded, nor otherwise appeared in this matter. In the interests of judicial economy, Plaintiff requests that this Court schedule a hearing on the assessment of damages and to determine the order of priority and related matters. In support of this motion, Plaintiff states as follows:

**FACTS:**

1. The Complaint was served on Defendants Kathleen Keefer and Edward Keefer on June 5, 2019 and on Defendant Stephen R. Chapman on June 22, 2019. Affidavit of Attorney Crouter at ¶ 2.

2. The Complaint was recorded in Book 13186, Page 1-91 at the Kennebec County Registry of Deeds. Id at ¶ 3
3. Proof of service was filed on July 11, 2019. Id at ¶ 4.
4. Defendants have not answered, appeared, or responded to the complaint in any way. Id at ¶ 5.
5. The time to answer or otherwise respond to the Complaint has passed. Id at ¶ 6.
6. The Defendants are not in the military. Id at ¶ 7.
7. Plaintiff filed a Request for Entry of Default as to Defendants, and said request was granted on August 15, 2019. Id ¶ 8.

### **APPLICATION**

This is an action for foreclosure of real property, and in the interests of judicial economy, Plaintiff is requesting that this Court grant an entry of default judgment and schedule a hearing on the assessment of damages to determine the order of priority and related matters.

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, the trial court has discretion to enter default against a party who “has failed to plead or otherwise defend.” *Schmir v. Prudential Ins. Co. of America*, 220 F.R.D.4 (1<sup>st</sup> Cir. 2004); *Dekom v. New York*, 2013 WL 3095010 (June 18, 2013). If that “failure is shown by an Affidavit, the Clerk must enter the Party’s default.” F.R.C.P. 55(a). This Court entered Default against the Defendants after Plaintiff demonstrated a failure to plead or otherwise defend on the part of the Defendants by an affidavit of Attorney Matthew Crouter. Plaintiff now seeks Default Judgment and requests a hearing pursuant to rule 55(b)(2) of the Federal Rules of Civil Procedure so as to allow the Court to assess damages and determine the order of priority. As the rule states: “this court may conduct hearings . . . when, to enter or effectuate judgment, it needs to (A) conduct an

accounting; (B) determine the amount of damages; (C) establish the truth of any allegation by evidence; or (D) investigate any other matter.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter default judgment as to Defendants Kathleen M. Keefer, Edward Keefer and Stephen R. Chapman and schedule a hearing on the assessment of damages to determine the order of priority and related matters.

Respectfully submitted,  
Plaintiff

Dated: September 11, 2019

By: /s/ Matthew Crouter, Esq. Bar No.: 5909  
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### **CERTIFICATE OF SERVICE**

I, Matthew Crouter, hereby state that a true and correct copy of the Request for Entry of Default is being filed electronically utilizing the ECF system and that the EFC system will automatically generate and send a Notice of Electronic Filing to all users associated with the case. If the ECF system indicates that a party is being served electronically, such service will be deemed to comply with the ECF system. If the ECF system indicates that a party is not a user of the ECF system, a true and correct copy of this filing will be delivered by United States first class mail, postage prepaid, to any such party.

By: /s/ Matthew Crouter, Esq. Bar No.: 5909  
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